

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 24, 2023**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jesse Lee Johnson

Case Number: 0980 1:20CR02030-EFS-3

Address of Offender: [REDACTED] Washington 98948

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: October 25, 2022

Original Offense: Accessory After the Fact - Carjacking, 18 U.S.C. § 2119 and 3

Original Sentence: Prison - 6 days
Term of Supervised Release - 36 months
Type of Supervision: Supervised Release

Asst. U.S. Attorney: Richard Burson

Date Supervision Commenced: October 25, 2022

Defense Attorney: Gregory Lee Scott

Date Supervision Expires: October 24, 2025

PETITIONING THE COURT

To issue a warrant.

On November 9, 2022, supervised release conditions were reviewed and signed by Mr. Johnson acknowledging an understanding of his conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<u>Special Condition #5:</u> You must abstain from the use of illegal substances and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Johnson is alleged to be in violation of his supervised release conditions for failing to submit to drug testing as directed on January 17, 2023.

On January 17, 2023, this officer made telephone contact with Mr. Johnson in the morning and directed him to report to the probation office for a random drug test. Mr. Johnson reported to the office as directed, however, was unable to produce a valid urine sample. During Mr. Johnson's initial attempt to submit a urine sample, per the male probation officer assisting, Mr. Johnson was observed "fidgeting" with the bottom hem of his T-shirt and "fidgeting" with the urine testing cup. He was also observed putting his right thumb into the cup prior to urinating. Mr. Johnson provided a urine sample; however, it was cold to the touch and considered to not be a valid sample. Mr. Johnson was directed to remain at the

Prob12C

Re: Johnson, Jesse Lee

January 24, 2023

Page 2

probation office and was provided water. After two and a half hours, Mr. Johnson advised he was not able to submit the requested urine sample. Therefore, Mr. Johnson failed to submit a random drug sample as directed this date.

2

Special Condition number #5: You must abstain from the use of illegal substances and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Johnson is alleged to be in violation of his supervised release conditions by consuming fentanyl on or about January 17, 2023.

On January 17, 2023, this officer made telephone contact with Mr. Johnson in the morning and directed him to report to the probation office for a random drug test. Mr. Johnson reported to the office as directed, however, after two and a half hours at the probation office, he was unable to produce a valid urine sample. Mr. Johnson was allowed to leave the probation office to attend his substance abuse treatment group at Barth Clinic (Barth). Prior to leaving the probation office, this officer and Mr. Johnson made telephone contact with his counselor at Barth advising him of Mr. Johnson's inability to provide a urine sample. Per the counselor, he advised he would collect an oral swab from Mr. Johnson when he arrived for group.

On January 18, 2023, this officer was contacted by Mr. Johnson's counselor at Barth. He advised he collected an oral swab from Mr. Johnson on the evening of January 17, 2023, and the sample was sent to their contracted vendor, Millennium Health, for testing. Results were received January 23, 2023, confirming a positive reading for fentanyl.

3

Standard Condition number #2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. Johnson is alleged to be in violation of his supervised release conditions by failing to report and/or make contact with his probation officer on January 23, 2023.

On January 23, 2023, this officer was contacted via telephone by Mr. Johnson's counselor at Barth (substance abuse treatment). The counselor advised the oral swab collected January 17, 2023, returned confirmed positive on January 23, 2023, for fentanyl. This officer attempted to call and text Mr. Johnson beginning at 10:29 a.m. until the close of business, 5 p.m. without a response. This officer directed Mr. Johnson, via text and voice mail, to report to the probation office before 5 p.m. to discuss the confirmed positive result from his oral swab. This officer also made telephone contact with his mother who advised she had not seen him and would pass the message for him to report to this officer before 5 p.m. (to be noted they reside in the same home). This officer then made telephone contact with his employer who confirmed Mr. Johnson was employed with his business, however, was not at work.

Prob12C

Re: Johnson, Jesse Lee

January 24, 2023

Page 3

4

Special Condition number #5: You must abstain from the use of illegal substances and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Johnson is alleged to be in violation of his supervised release conditions by consuming methamphetamine on or about January 23, 2023.

On January 24, 2023, Mr. Johnson sent a text message to this officer apologizing for failing to report or make contact with this officer as directed on January 23, 2023. Mr. Johnson admitted he has been consuming methamphetamine, with his last use being January 23, 2023.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 24, 2023

s/Linda J. Leavitt

Linda J. Leavitt
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

1/24/2023

Date